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FACT SHEET  
GULFCO MARINE MAINTENANCE SITE - CLEANUP VIA VCP  
June 20, 2005

- EPA and the Potentially Responsible Parties (PRP) have been exploring ways in which to meet the goal of quick cleanup of the Gulfco Marine Maintenance Superfund Site in order to delete it from the National Priorities List (NPL). EPA initially proposed that the Gulfco Site be investigated in a Remedial Investigation and Feasibility Study (RI/FS) and be cleaned up under a Remedial Action. The PRPs (Dow, Sequa, and LDL Coastal) committed to do the RI/FS in an Administrative Order on Consent (AOC).
- EPA and the PRPs worked diligently for seven months to reach an AOC to conduct the RI/FS portion of the cleanup. As the negotiations were wrapping up, the PRPs, in a February 23, 2005 letter, proposed exploring a two-year cleanup of the Gulfco site under the Texas Voluntary Cleanup Program (VCP) in order to meet our mutual goal of a quick cleanup.
- EPA fully supports the Texas VCP and believes that this program is an excellent approach under appropriate circumstances. EPA's Memorandum of Understanding (MOU) with the Texas Commission on Environmental Quality on the Texas VCP was negotiated under the premise of not using the Texas VCP for NPL Sites. An assessment of the appropriate nature of the VCP for use at NPL Sites has not been completed, but such an assessment is currently under consideration. However, it will take a considerable amount of time to carefully evaluate the possibility of adopting a new policy regarding NPL Sites and the Texas VCP.
- Assessing the appropriate nature of the Texas VCP for use at NPL sites is a lengthy process. This, combined with the PRPs' proposal's lack of detail about how a cleanup under the VCP would provide information sufficient to delete the Gulfco Site from the NPL, caused EPA to notify the PRPs in a February 28, 2005, letter via e-mail that EPA was willing to explore cleanup under appropriate State laws, but through an AOC with EPA so that the requirements for deletion from the NPL could be met. In order to begin exploring this idea, EPA invited the PRPs to commit to an AOC process which would outline the investigation and cleanup of the Gulfco Site in a manner which will allow EPA to delete the Gulfco Site from the NPL.
- However, EPA was disappointed to learn in a March 4, 2005, letter, that the PRPs are declining to explore the AOC option to clean up the Gulfco Site under Federal and appropriate State law. An AOC between EPA and the PRPs assures that adequate information is collected to facilitate deletion as well as that appropriate response actions are completed. EPA is flexible as to the content of an order and scope of work assuming the cleanup is completed under Federal and appropriate State law.
- EPA met with the PRP Group on March 7, 2005, in the regional EPA office to discuss resolution of the impasse on the mechanism to most quickly clean up the Gulfco Site. At



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the meeting, EPA reiterated some of the timing problems regarding the Texas VCP approach. EPA was pleased that the PRP Group understood the inability of meeting our mutual goal of timely cleanup under the Texas VCP process and agreed orally to exploring the AOC option with EPA in order clean up the Gulfco Site. EPA requested that the PRP Group provide an outline of an investigation and cleanup that would take into account EPA's oversight role, public participation, assurance that all appropriate response actions are completed, and that is consistent with other NPL actions. EPA would like to see this issue resolved as soon as possible. Additional discussions to resolve this matter should be completed on an expedited basis.

- In order to meet our mutual goal of quickly cleaning up the Gulfco site in order to delete the site from NPL, the PRP Group can still sign the RI/FS AOC allowing for completion of the investigation in less than six months and the entire cleanup in eighteen months. This is quicker than amending the VCP program or drafting a new AOC for cleanup that incorporates appropriate State law. That being said, EPA is open to looking at alternative methods that will clean up the Gulfco Site faster than the options that EPA and the PRP Group have explored.
- EPA is looking to resolve cleanup of the Gulfco Site quickly. EPA eagerly awaits the PRPs' alternative proposal in order to quickly wrap up discussions and begin cleaning up the Gulfco site. Given the amount of time EPA has discussed cleanup of the site with the PRPs, EPA believes it is reasonable to expect a proposal in the next few weeks so that we can discuss this matter in early April.
- In a meeting on April 1, 2005, between the PRPs, the Texas Commission on Environmental Quality (TCEQ), and EPA, it was proposed that a scope of work for the investigation would be done and the PRPs would then apply to the VCP to perform the cleanup. During the meeting, the PRPs provided a work plan outline with the understanding that the actual work plan would be submitted later.
- On May 5, 2005, the PRPs provided a Scope of Work for the Interim Removal Action and the Site Investigation/Removal Action. However, the documents were insufficient with respect to the level of detail requested for the investigation. As a result, the Division Director decided the appropriate course of action at this point would be to issue a Unilateral Administrative Order (UAO). The UAO was issued June 6, 2005, with an effective date of July 15, 2005.
- On June 17, 2005, EPA and the PRPs participated in a conference call aimed at clarifying the Division Director's position concerning continued negotiations pending the effective date of the UAO. The Director reiterated his desire to reach a consensual agreement and made it very clear that in order for negotiations to be successful the PRPs would have to provide a detailed site investigation work plan. Once an acceptable site investigation plan is submitted, and EPA and the PRPs agree on the work, an Administrative Order on Consent for cleanup incorporating appropriate State Law can be negotiated.